

**U.S. District Court [LIVE]  
Western District of Texas (Austin)  
CRIMINAL DOCKET FOR CASE #: 1:22-mj-00999-DH-1**

Case title: USA v. Billimek

Date Filed: 12/14/2022

Other court case number: 1:22-CR-675 Southern District of  
New York, Foley Square

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Assigned to: Judge Dustin M. Howell

**Defendant (1)**

**Lawrence Billimek**

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:371.F CONSPIRACY TO DEFRAUD  
THE UNITED STATES; 15:78J.F  
MANIPULATIVE AND DECEPTIVE  
DEVICES; 18:1343.F FRAUD BY WIRE,  
RADIO, OR TELEVISION

**Disposition**

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**Plaintiff**

**USA**

represented by **G. Karthik Srinivasan**  
US Attorney's Office – Western District of  
Texas  
903 San Jacinto Blvd., Suite 334  
Austin, TX 78701  
512-370-1253  
Fax: 512-916-5854  
Email: [karthik.srinivasan@usdoj.gov](mailto:karthik.srinivasan@usdoj.gov)

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Page	Docket Text
12/14/2022	<u>1</u>		Arrest (Rule 5 – Southern District of New York) of Lawrence Billimek (jf) (Entered: 12/14/2022)
12/14/2022	<u>2</u>		Minute Entry for proceedings held before Judge Dustin M. Howell:Initial Appearance in Rule 5(c)(3) Proceedings as to Lawrence Billimek held on 12/14/2022 (Minute entry documents are not available electronically.) (Court Reporter FTR Gold – ERO.) (jf) (Entered: 12/14/2022)
12/14/2022	<u>3</u>		WAIVER – Rule 5 as to Lawrence Billimek. (jf) (Entered: 12/14/2022)
12/14/2022	<u>4</u>		ORDER Setting Conditions of Release. Signed by Judge Dustin M. Howell. (jf) (Entered: 12/14/2022)
12/14/2022	<u>5</u>		ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL as to Lawrence Billimek. Signed by Judge Dustin M. Howell. (afd) (Entered: 12/14/2022)

Mod AO 442 (09/13) Arrest Warrant AUSA Name &amp; Telno: Daniel Tracer, 212-637-2329

**FILED**

December 14, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

BY: JF  
DEPUTY  
United States of America  
v.  
LAWRENCE BILLIMEK**22 CRIM 675**  
Case No. 22 Cr.**Austin case 1:22-MJ-999-DH**Defendant**ARREST WARRANT**

To: Any authorized law enforcement officer

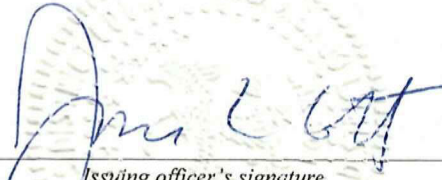
**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) LAWRENCE BILLIMEK,  
who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

18 USC 371 (Conspiracy); 15 USC 78j(b) &amp; 78ff (Securities Fraud); 18 USC 1343 (Wire Fraud)

Date: 12/12/2022City and state: New York, New York

  
Issuing officer's signature  
  
Printed name and title  
D. Tracer

**Return**This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title



PROCEEDING MEMO - INITIAL APPEARANCE

In Re: (1) Lawrence Billimek

Page 2 of 2 Pages

- g. PRE-TRIAL RELEASE:
- \_\_\_\_\_ 1) The Government makes ☐ oral or ☐ written motion for detention under 18 USC 3142. Court sets detention hearing for \_\_\_\_\_
- \_\_\_\_\_ 2) The Court sua sponte moves for detention. The detention hearing is set for \_\_\_\_\_ at \_\_\_\_\_
- X 3) The Defendant ☐ is released ☐ will be released on the following conditions: \_\_\_\_\_  
Bond is set at \$ \_\_\_\_\_
- (Check the following that apply:)*
- |                           |  |
|---------------------------|--|
| _____ unsecured           | _____ unsecured with 10% posted to the registry                  |
| _____ cash or corporate   | _____ additional sureties  |
| _____ 3rd party custodian | <u>X</u> as set forth in the order setting conditions of release |
- h. Temporary Detention issued \_\_\_\_\_ Arraignment set for \_\_\_\_\_
- i. REMOVAL PROCEEDINGS:  
The Defendant is advised of Rule 20 and Rule 5 rights and ....
- \_\_\_\_\_ 1) The Defendant waives Rule 5(c)(3)(D)(ii) and is detained pending removal to the \_\_\_\_\_ . Detention hearing is to be held in that district.
- X 2) The Defendant waives Rule 5 and is released on bond. The Defendant is ordered to appear in the Southern District of New York ☐ on December 22, at 2pm or ☐ when notified by the prosecuting district.
- \_\_\_\_\_ 3) The Defendant is ☐ detained ☐ released on bond and requests Rule 5(c)(3) hearing. The Court sets hearing for \_\_\_\_\_
- j. Other: ORALLY WAIVES IDENTITY HEARING

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION


**FILED**

DEC 14 2022

United States of America

v.

Case Number: AU:22-cr-00999(1)

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

(1) Lawrence Billimek

Charging District's Case No.: 22-cr-675

**Waiver of Rule 5 & 5.1 Hearing**  
(Complaint/Indictment)

I understand that I have been charged in another district, the Southern District of New York.

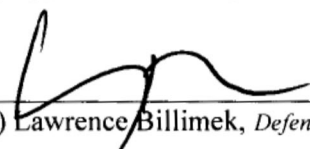
I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ( ) an identity hearing and production of the warrant.
- ( ) a preliminary hearing.
- ( ) a detention hearing.
- (☒) an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that any preliminary or detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

  
(1) Lawrence Billimek, Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Defendant

UNITED STATES DISTRICT COURT  
for the  
Western District of Texas

**FILED**

DEC 14 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

United States of America  
v.

**Lawrence Billimek**

*Defendant*

Case No. 1:22-MJ-00999-DH

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: Thurgood Marshall U.S. Courthouse, 40 Foley Square New York, NY 10007

*Place*

on

12/22/2022 2:00 pm

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.



**ADDITIONAL CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the **U.S. Pretrial Services Office**, telephone number, **(512) 916-5297**, no later than **as directed**.

- (X) (b) continue or actively seek employment.

- ( ) (c) continue or start an education program.

- (X) (d) surrender any passport to: **U.S. Pretrial Services**.

- (X) (e) not obtain a passport or other international travel document.

- (X) (f) abide by the following restrictions on personal association, residence, or travel: **No travel outside Blaine County, Idaho and surrounding counties unless authorized by U.S. Pretrial Services. No foreign travel. May travel to New York for court related matters.**

- (X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

- (X) (h) get medical or psychiatric treatment: **if directed by U.S. Pretrial Services**.

- ( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

- ( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- (X) (k) not possess a firearm, destructive device, or other weapon.

- ( ) (l) not use alcohol ☐ at all ☐ excessively.

- ( ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ( ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ( ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- ( ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

☐ (i) **Curfew.** You are restricted to your residence every day ☐ from \_\_\_\_\_ to \_\_\_\_\_, or ☐ as directed by the pretrial services office or supervising officer; or

☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or

☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

**Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.



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**ADDITIONAL CONDITIONS OF RELEASE**

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- ( ) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- ☐ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - ☐ (ii) Voice Recognition; or
  - ☐ (iii) Radio Frequency; or
  - ☐ (iv) GPS.
- ( ) (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (X) (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including questioning, or traffic stops.
- (X) (t) Not open any new lines of credit or bank accounts without permission from the Court.
-

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

City and State

**Directions to the United States Marshal**

- (X) The defendant is ORDERED released after processing.
- ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 12/14/2022



Judicial Officer's Signature

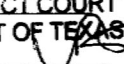
Dustin Howell, U.S. Magistrate Judge

Printed name and title

**FILED**

DEC 14 2022

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERKUNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

United States of America           §  
   §  
 vs.                                       § Case No: AU:22-M -00999(1)  
   §  
 (1) Lawrence Billimek           § Charging District: Southern District of New York  
   § Charging District's Case No.: 1:22-cr-965

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT  
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: Thurgood Marshall United States Courthouse 40 Foley Square New York, NY 10007 Honorable Judge Gardephe	Courtroom No.  Date and Time: Dec. 22 at 2pm
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The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.



Date: December 14, 2022

DUSTIN M. HOWELL  
UNITED STATES MAGISTRATE JUDGE